

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FILED

AUG 28 P 3:35  
RICHARD W. WILSON  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CRYSTAL HOWERY,

Plaintiff,

vs.

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,

Defendant

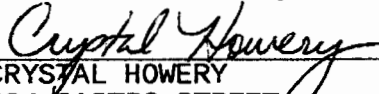
Case No.: 3:14-cv-01980-WHA  
OBJECTION TO REPORT AND  
RECOMMENDATION FOR DISMISSAL FOR  
LACK OF PROSECUTION  
AND  
MOTION FOR EXTENSION OF TIME TO  
FILE AMENDED OBJECTION

Plaintiff Crystal Howerly objects to the report and recommendation of dismissal for lack of prosecution for the following reasons:

- Plaintiff pleads mistake, inadvertence, and excusable neglect.
- Plaintiff attempted to determine who and where to serve the complaint on defendant with great difficulty.
- Although Plaintiff timely served the defendant, this event did not occur until approximately 48 hours ago. Certificate of service is has not yet been made available to the Plaintiff from the process server, despite many calls.
- Because Plaintiff had not served the defendants until well after the ADR deadlines had passed, she was under the mistaken assumption that ADR conferences, etc. could not be conducted with Plaintiff as the sole litigant.
- Plaintiff acted in good faith and not from deviousness or willfulness.
- The Defendant will suffer no prejudice if the case is not dismissed.
- Plaintiff will be severely prejudiced if her complaint were dismissed. (LEMOGE v. UNITED STATES)

Plaintiff would also appreciate an extension of time to file amended objections.

Dated this 28<sup>th</sup> day of August, 2014

  
CRYSTAL HOWERY  
584 CASTRO STREET  
SAN FRANCISCO, CA 94114